

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

**SECOND WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, February 6, 2002, 9:00 A.M.**

**ACTION CALENDAR:**

1. **A-5575, Petition of Mark Coletta** (accessory structure/pole barn). Hearing held 5/9/01.

Action: Item deferred until 2/27/02, consensus.

**Board Members**

Donald H. Spence, Jr., Chairman  
Donna L. Barron, Vice Chairman  
Louise L. Mayer  
Angelo M. Caputo  
Allison Ishihara Fultz

**Staff**

Sherry Glazer, Assistant County Attorney  
Katherine Freeman, Executive Secretary to the Board  
Hermene Jones, Administrative Specialist

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**ACTION CALENDAR:**

1. **A-5684, Appeal of Robin Jasper** (Department of Permitting Services – Denial Letter dated 10/2/01). Letter to the Board from the appellant requesting a 60-day continuance.

Action: Granted continuance request, (LLM/AIF, 5-0).

2. **S-2490, Petition of Colonial Landscape & Design, Inc.** (landscape contractor). Letter to the Board from Stacy Plotkin Silber, Esquire, requesting a continuance and to schedule the hearing at the earliest available hearing date.

Action: Granted continuance request, (DLB/LLM, 5-0).

3. **S-2505, Petition of KFC of America, Inc.** (drive-in restaurant). Letter to the Board from Martin Klauber, Esquire, requesting a continuance.

Action: Granted continuance request, (LLM/AIF, 5-0).

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**Wednesday, February 6, 2002, 9:00 A.M.**

**ACTION CALENDAR:**

1. **Minutes**, January 23 and 30, 2002 Worksession.

Action: Approved, with corrections (LLM/AIF, 4-0/DLB/ABSENT).

2. **A-5606, Appeal of Robert Zarnetske** (Department of Permitting Services (DPS) – Letter dated March 2, 2001). Letter to the Board from the appellant requesting a refund of the filing fee.

Action: Granted 50% (\$75.00) refund of the filing fee, in accordance with the Board's Rules of Procedure, (LLM/AIF, 4-0/DLB/ABSENT).

3. **A-5692, Appeal of Donald E. Gerald** (Department of Permitting Services – Notice of Violation). Letter to the Board from the James D. Cathell, Sr., Esquire, withdrawing the administrative appeal.

Action: Dismissed the administrative appeal as withdrawn, (AMC/LLM, 4-0/DLB/ABSENT).

4. **A-5721, Appeal of Arnie Fainman** (Department of Permitting Services – Notice of Violation). Motion to Stay from Helen Lynn Primo, Esquire.

Action: Denied Motion to Stay, (LLM/AMC, 4-0/DBL/ABSENT).

5. **CBA-559, Petition of Connecticut Belair Club, Inc.** (community swimming pool). Letter to the Board from Preston Havenstein, Project Manager, requesting an administrative modification. (Large exhibits: site plan and canopy plan).

Action: (1) Re-opened record to include Mr. Havenstein's correspondence with attachments; (2) granted administrative modification request, (AIF/LLM, 4-0/DLB/ABSENT).

6. **CBA-2091 [S-342], Petition of Montgomery Square Swim Club, Inc.** (community swimming pool). Letter to the Board from Robert T. Consroe, Volunteer Pool President, requesting a minor modification of the special exception.

Action: (1) Denied administrative modification request; (2) applicant has the option of applying for a public hearing, (LLM/AIF, 4-0/DLB/ABSENT).

7. **CBA-2905, Petition of Washington Sanitarium & Hospital and Montgomery County Alcohol Program** (boarding house). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Revoked special exception as abandoned, (LLM/AMC, 4-0/DLB/ABSENT).

8. **CBA-2963, Petition of Mr. and Mrs. Adam S. Tanner** (private riding stable). Letter to the Board from the petitioners notifying the Board that the special exception is no longer in use and requesting that the special exception be revoked.

Action: Revoked special exception as abandoned, (AIF/AMC, 5-0).

9. **CBA-3066 [CBA-3066-A, S-619], Petition of Marriott Corporation** (drive-in restaurant). Letter to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Revoked special exception as abandoned, (LLM/AMC, 5-0).

10. **S-699, Petition of Columbia Union College** (private educational institution). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception was never implemented and requesting that the special exception be revoked.

Action: Revoked as never implemented, AMC/AIF, 5-0).

11. **S-796, Petition of Lewis Kellert, M.D.** (medical clinic). Letter to the Board from the petitioner confirming that he has retired from the practice. Special exception modification request, dated 4/30/01, requires Dr. Mathur be substituted for Dr. Kellert.

Action: Granted administrative modification request, (AIF/DLB, 5-0).

12. **S-892, Petition of David L. Abel, D.V.M.** (veterinary hospital). Letter to the Board from the petitioner updating the record with an approved site plan.

Action: Re-opened the record to include Dr. Abel's correspondence with attachment, (DLB/LLM, 5-0).

13. **S-1424, Petition of Korean Community Service Center of Greater Washington, Inc.** (housing for the elderly). Letter to the Board from Tan Ngo, current occupant, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 5-0).

14. **S-1606-A [S-1606], Petition of G. P. and Kathleen Elaine Hamlin** (private riding stable). Letter to the Board from the petitioners requesting a transfer of the special exception.

Action: (1) Granted administrative modification request; (2) granted transfer of the special exception; (3) Board's Resolution to include the prior conditions of the special exception, (DLB/AIF, 5-0).

15. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Item deferred. Board to request DPS correction of special exception address, consensus.

16. **S-2171, Petition of Maurice H. Berk** (non-resident professional office). Letter to the Board from William Kominers, Esquire, submitting final copies of the revised landscape/lighting plan.

Action: Re-opened record to include Mr. Kominers' correspondence with attachments, (LLM/AIF, 5-0).

17. **S-2279 [CBA-2300, CBA-2300-A], Petition of Bell Atlantic NYNEX Mobile, for Washington, D.C. (SMSA Limited Partnership)** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from M. Gregg Diamond, Esquire, requesting a 12-month extension of time to implement the special exception.

Action: Granted 12-month extension of time to implement, (DLB/LLM, 5-0).

18. **S-2495, Petition of Sprint PCS/APC Realty and Equipment Company, LLC** (public utility buildings, public utility structures and telecommunication facilities). Letter to the Board from Janet A. Brown, Esquire, requesting a continuance.

Action: Granted continuance request, (AIF/DLB, 5-0).

### **DECISION:**

19. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly and handicapped persons). Hearing Examiner's Report and Recommendation.

Action: Adopted Hearing Examiner's Report and Recommendation with amendment to the special exception conditions to include: (1) building constructed of noise abatement materials; (2) shuttle bus service for residents will be provided daily, (DLB/LLM, 5-0).

### **INFORMATION ITEMS:**

20. **CBA-525, Petition of Girl Scouts of D.C. and Montgomery County** (day camp). Letter to the Board from Sandra M. King-Shaw, Deputy Director.

Action: Board requests expedited hearing to review nature of special exception use and its impact, (AIF/AMC, 5-0).

21. **S-213 [S-214], Petition of Potomac Electric Power Company** (electric substation). Letter submitting company's annual report to the Board from B. B. Allison, II, Manager, Electric System Planning.

Action: Re-opened record to include Mr. Allison's correspondence with attachments, (DLB/AMC, 5-0).

**PENDING ITEMS:**

22. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr., et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of the special exceptions' outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.
23. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.
24. **S-1547, Petition of Precision Tune** (automobile tune-up and service shop). Letter to the Board from Sa Kwon, owner, requesting a transfer of the special exception. Board granted the transfer of the special exception and requested DPS to inspect the special exception for compliance with landscape and lighting plan.
25. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Order from the Circuit Court reversing the Board's Opinion. Board requested DHCA inspection of the special exception and the item will return to a future worksession to determine if a public hearing is required.

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